

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

MARK KLINGINSMITH,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case Number CIV-09-433-C
	)	
HECTOR LEDEZMA,	)	
	)	
Respondent.	)	

**ORDER**

By Report and Recommendation entered May 5, 2009, Magistrate Judge Doyle Argo determined that Petitioner had sufficient funds to pay the filing fee in this matter. Judge Argo recommended dismissal of the action unless Petitioner paid the filing fee prior to May 22, 2009. On May 12, 2009, Petitioner filed a notice indicating he had requested that funds to pay the filing fee be disbursed from his prison account. As Petitioner's request appears in proper form, the Court will extend the time within which the filing fee must be received.

Accordingly, the Report and Recommendation of the Magistrate Judge (Dkt. No. 7) is ADOPTED in full. Unless the \$5.00 filing fee is received by June 22, 2009, this matter will be dismissed without prejudice.

IT IS SO ORDERED this 27th day of May, 2009.

  
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ROBIN J. CAUTHRON  
United States District Judge